

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DONALD F. DELADE

Plaintiff,

v.

JOHN CARGAN,

Defendant.

3:16-CV-00415
(JUDGE MARIANI)

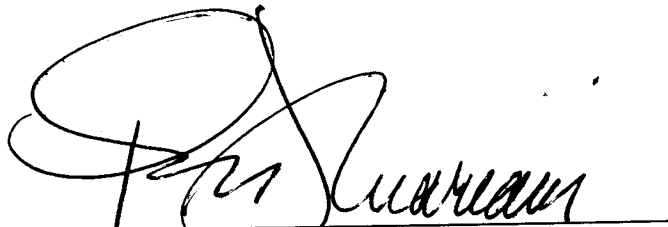
ORDER

AND NOW, THIS 27th DAY OF MARCH, 2019, upon *de novo* review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 59), for the reasons set forth in the R&R and this Court's accompanying memorandum opinion, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's Objections (Doc. 62) are **SUSTAINED IN PART AND OVERRULED IN PART** as fully set forth in this Court's accompanying memorandum opinion.
2. The R&R (Doc. 59) is **ADOPTED IN PART AND REJECTED IN PART**; specifically, Defendant's Motion for Summary Judgment (Doc. 42) is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. Defendant's Motion for Summary Judgment is **GRANTED** with respect to Plaintiff's Fourth Amendment claims. Judgment is entered **IN FAVOR OF** Defendant Cargan and **AGAINST** Plaintiff DeLade on Counts I and II of the Second Amended Complaint.

b. Defendant's Motion for Summary Judgment is **DENIED** with respect to Plaintiff's Fourteenth Amendment due process claim (Count III).

3. A telephone conference to schedule the above-captioned matter for trial on Plaintiff's Fourteenth Amendment due process claim shall be held on **Monday, April 15, 2019, at 12:30 p.m.** Plaintiff's counsel is responsible for arranging the call to (570) 207-5750 and all parties should be ready to proceed before the undersigned is contacted.



Robert D. Mariani
United States District Judge